

**REMARKS**

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1, 4-12, 14-16, 18-21, 24-32, 34-36, 38-45 were rejected. Claims 1, 11, 16, 21, 31, 36, and 41 have been amended. Claims 1, 4-12, 14-16, 18-21, 24-32, 34-36, 38-45 are pending. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1, 4-8, 10-12, 14-16, 18, 21, 24-28, 30-32, 34-36, 38, 41-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0044751 (hereinafter “Pugliese”) in view of U.S. Patent Application Publication No. 2001/0027481 (hereinafter “Whyel”).

Applicant respectfully submits that the current pending claims are patentable over Pugliese and Whyel.

In the system of Pugliese, SLA is a person (see, e.g., abstract and Paragraph [0059] of Pugliese). According to Pugliese, such a person (SLA) is responsible for making appointments for a shopper with a merchant (see, e.g., Paragraphs [0140] and [0322] of Pugliese). Pugliese teaches the benefit of an interactive system with a live sales person (see, e.g., Paragraph [0007] of Pugliese). In Pugliese, a live sales person (SLA) is used to make appointments.

The system of Whyel “offers an end user the convenience of scheduling appointments/reservations with multiple, diverse Service Providers at a central location, in real-time without human intervention(e.g., without the need for e-mails, phones, or faxes)” (Paragraph [0013] of Whyel). From the description of Whyel, it is understood that the system of Whyel is designed to avoid the use of a live person for scheduling appointments.

Since Pugliese teaches using a live person while Whyel teaches avoiding a live person, the references teach away from each other. The Office Action noticed both the suggestion of Whyel to avoid the need for human intervention (see, e.g., the second paragraph of page 5) as well as the suggestion of Pugliese to use the live person to overcome the frustration and lack of personal attention (see, e.g., the first paragraph of page 4). Thus, without the impermissible hindsight vision afforded by the claimed invention, there is no convincing line of reasoning as to why an artisan, at the time of the invention of the present application, would have found it obvious to make the combination suggested in the Office Action.

Further, neither the system of Pugliese, nor the system of Whyel, allows a service provider the opportunity to send a message to an appointment scheduling system to accept or decline a pending appointment alert. However, for example, claim 1 recites

1. (Currently Amended) A method implemented on a data processing system, the method comprising:
  - receiving, from a service seeker, an appointment request for a live advice communication with a selected service provider during a service seeker specified appointment time;
  - determining whether the selected service provider is available during the service seeker specified appointment time;
  - when the selected service provider is unavailable during the appointment time,
  - determining one or more alternate available appointment times of the selected service provider;
  - providing the one or more alternate appointment times to the service seeker; and
  - receiving a appointment time selected from the one or more alternate appointment times by the service seeker as the service seeker specified appointment time;

when the selected service provider is available during the service seeker specified appointment time, providing the appointment request to the selected service provider;  
receiving a message at the data processing system from the selected service provider, the message indicating whether or not the appointment request is accepted; and  
when the message indicating that the appointment request is accepted by the selected service provider,  
scheduling a live advice communication appointment between the service seeker and the selected service provider; and  
connecting the selected service provider with the service seeker for a live advice communication at the specified appointment time.

The description of Pugliese and Whyel does not show the particular way of arranging an appointment as recited in claim 1. Thus, even if Pugliese and Whyel were combined in certain fashion, the combination would not have all of the aspects of claim 1.

Thus, at least for the above reasons, claim 1 is patentable over Pugliese and Whyel.

Similarly, for example, claim 16 recites:

16. (Currently Amended) A method comprising:  
presenting an appointments listing page of a service provider, including a listing of each accepted appointment request of the service provider and a listing of one or more appointment alerts for pending appointment requests of the service provider;  
receiving a selection of an appointment alert from the one or more alerts listed in the appointments listing page of the service provider; and  
receiving an indication from the service provider to accept or decline the selected appointment alert;

wherein when the selected appointment alert is accepted according to the indication, the service provider is connected via a service provider system to the service seeker for a live advice communication via communications mediums during an appointment time of the selected appointment alert.

Similarly, for example, claim 11 recites:

11. (Currently Amended) A method implemented on a data processing system, the method comprising:
  - selecting a service provider from a field of service available from a service provider system to make a live advice request by a service seeker;
  - when the selected service provider is unavailable at a time of the live advice request,
  - receiving an option for initiating an appointment request with the selected service provider;
  - when the option for initiating the appointment request is accepted by the service seeker,
  - selecting an appointment time for engaging in a live advice communication with the selected service provider;
  - providing the appointment request to the selected service provider;
  - once the appointment request is accepted by the selected service provider according to a message received from the selected service provider,
  - receiving an appointment confirmation notification from the service provider system; and
  - wherein the service seeker is connected with the selected service provider via a service provider system for a live advice

communication during the selected  
appointment time.

Claims 21, 31, 36 and 41 recite similar limitations discussed above. Thus, at least for the above reasons, independent claims 1, 11, 16, 21, 31, 36 and 41 and their dependent claims are patentable over Pugliese and Whyel.

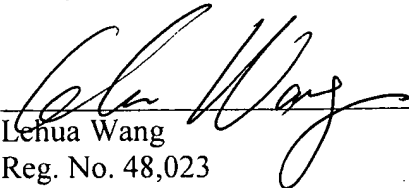
Claims 9, 19, 20, 29, 39, 40 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pugliese in view of Whyel, and further in view of U.S. Patent No. 6,477,246 (hereinafter “Dolan”). Dolan was relied upon only for the additional limitations recited in claims 9, 19, 20, 29, 39, 40 and 45. Since the base claims of claims 9, 19, 20, 29, 39, 40 and 45 are patentable over Pugliese and Whyel, claims 9, 19, 20, 29, 39, 40 and 45 are also patentable over Pugliese, Whyel and Dolan at least for the reasons discussed above.

**CONCLUSION**

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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